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**Subject: Comments of Wheeler Ridge-Maricopa Water Storage District on the
 *Sustainable Groundwater Management Act Draft Emergency Regulations for
 Groundwater Sustainability Plans and Alternatives***

Ladies and Gentlemen:

The Wheeler Ridge-Maricopa Water Storage District (WRMWSO or District) appreciates this opportunity to provide comments to the California Department of Water Resources (DWR) on the Sustainable Groundwater Management Act (SGMA) Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives (Draft Regulations), released for comment on February 18, 2016.

INTRODUCTION

WRMWSO is a public agency that delivers irrigation water to farms south of Bakersfield. The District encompasses 147,400 acres (230 square miles). About 100,000 acres is farmed to grow food to feed residents of California, the United States and the world. Founded in 1959, WRMWSO commenced surface water deliveries from the State Water Project in 1971. Over 7.4 million acre-feet of water have been delivered to farmers to date.

Among the purposes of the WRMWSO Project was the correction of groundwater overdraft within the WRMWSO. Groundwater level declines were severe through the mid-1970s, but since that time water levels have risen. According to a summary of 16 representative wells prepared by the District's certified hydrogeologist last year, 15 of these 16 wells have water level increases from their lowest levels in the mid-1970s. Water depths ranged from 100 feet to 660 feet in these 16 wells with an average water level rise of 88 feet. The Project purpose of correcting groundwater overdraft was achieved. As part of the District's multi-faceted conjunctive use program, it is estimated that over 1.5 million acre-feet of water deliveries have percolated to groundwater.

The District's diversified water supply portfolio includes a contract for 197,088 acre-feet of State Water Project supplies supplemented by local groundwater, water from three groundwater banking projects, and various other short and long-term water supply purchases. Farmers operate private groundwater wells in many areas of the District.

The San Joaquin Valley groundwater basin is generally understood to remain in an overall condition of long-term overdraft. Within this basin, WRMWSD has successfully managed both surface and groundwater supplies for 45 years to correct overdraft within its boundaries and sustainably manage groundwater within its jurisdiction. This gives WRMWSD a valuable perspective to comment upon the Draft Regulations.

In particular, it is noted water supply, water demand, and groundwater conditions including water balance and overdraft conditions, can vary widely even within an overdrafted basin. WRMWSD is an example. Therefore, a one size fits all approach is not appropriate for every area subject to SGMA. In particular, **the Draft Regulations include prescriptive requirements for Groundwater Sustainability Plans (Plans) that go beyond the scope and statutory authority of SGMA. The minimum requirements specified therein (e.g. Sec 354.8(g), 354.16(b), 354.18, etc.) are not necessary for many groundwater basins or portions of basins in order to achieve the purpose of SGMA i.e. for local entities to identify and implement management practices to achieve locally defined sustainability goals and avoid/minimize adverse impacts on users of groundwater and the public. It should be left to the discretion of local Groundwater Sustainability Agencies to decide which analytical tools and information should be utilized for their Plans while giving due consideration for the cost effectiveness of such tools so as not to incur excessive costs.** Detailed comments and recommendations for improving the Draft Regulations are provided below.

SUPPORT FOR COMMENTS BY OTHERS

WRMWSD is a member entity of the Kern Groundwater Authority and generally supports the comments of the Authority. WRMWSD used the Authority's draft comment letter as a template for these comments. However, in some cases the District's comments differ from those of the Authority, and in other instances the District recommends improvements to the Regulations not identified by the Authority. In all such cases, DWR should, of course, act in accordance with the District's recommendations.

WRMWSD representatives attended the March 21 public hearing on the Draft Regulations in Visalia. WRMWSD supports the oral comments made at that time by Dave Bolland of the Association of California Water Agencies, and by R.L. (Dick) Schafer. Their concerns and recommendations regarding requirements in excess of need or statutory authority are legitimate and shared by WRMWSD.

GENERAL COMMENTS

WRMWSD hereby provides general comments on the Draft Regulations, followed by specific comments on a section by section basis in an effort to clarify and or improve the Draft Regulations. References are to the February 18th draft regulation sections, unless otherwise indicated.

WC refers to the California Water Code. *Italic text indicates language taken directly from statute or the Draft Regulations as revised per these comments including ~~strikeout~~ and added text.*

Stakeholder Input. WRMWSD appreciates the level of outreach and input afforded by DWR in the

development of the Draft Regulations. A number of stakeholder working groups have provided input to DWR over the past year and we recognize the significant level of effort by DWR to accommodate and incorporate the thoughts of diverse interests throughout the state. We believe this has resulted in a generally supportable Draft Regulation that provides a framework for sustainable groundwater management, recognizing that additional public comment will help in addressing issues prior to finalizing the regulations.

WC §10733.2 provides the basic authority for the Draft Regulations and gives some latitude for DWR's approach, including "*other information that will assist local agencies in developing and implementing*" Plans and coordination agreements, but the Draft Regulations must be consistent with the requirements of SGMA. In some instances these Draft Regulations exceed this consistency threshold.

Flexibility. WRMWSD is supportive of the substantial compliance and adaptive management provisions within the Draft Regulations and understands that the flexibility afforded by those measures does not compromise the sustainability requirement or goal but are intended to recognize the temporal and spatial dynamics of groundwater, climate variability and the evolving technologies available for measuring, monitoring and managing water resources.

Local Management. The Draft Regulations are currently structured in a manner that requires each Plan achieve sustainability for the entire basin (§350.2(a) and elsewhere). This premise is counter to the statute allowing for multiple Plans within a basin as provided at WC §10727, and inconsistent with WC §10735.2(e) which provides exclusion from probationary status for those portions of the basin which are compliant with the sustainability goal. **The Draft Regulations must be revised to correct this error and be consistent with the noted SGMA Water Code sections.**

The Draft Regulations introduce a "Coordinating Agency" and "Submitting Agency" as required for each basin to act as the "*authorized entity that represents two or more Agencies or Plans for a basin and is the sole point of contact with the Department*". To the extent that this "Coordinating Agency" represents the other GSA's within the basin, it has in effect become the GSA for the basin in the eyes of DWR. This requirement is not envisioned in the SGMA and defeats the purpose of allowing for multiple GSA's within a basin. The coordination agreement should act as the vehicle to accomplish the unification of data and reporting from within a basin, as envisioned and articulated in WC §10727.6. **Revised language for consideration is included below.**

Posting on Websites. Posting Plan data on publicly available web sites should only occur after DWR has reviewed and is ready for public comment. DWR should be guiding Agencies toward substantial compliance; if an Agency makes an error or omission and it gets picked up by the public prematurely, it can turn into a political problem for the Agency and SGMA implementation generally. Specific reference is made to §353.4(c), §353.6(a), §354.44(b)(4), and §355.2. **These sections should be revised** to reflect posting such data only upon completion of any required DWR review.

SPECIFIC COMMENTS

Article 1. Introductory Provisions

§350.2(a). This section requires a Plan must achieve sustainability for “the entire basin”. This is inconsistent with the statute allowing multiple Groundwater Sustainability Agencies within a basin and the “good actors” provision at WC §10735.2(e). A GSA cannot be responsible for areas beyond its jurisdiction. **This section should be revised** as follows:

“(a) The Plan must achieve the sustainability goal ~~for the entire basin~~ within its jurisdiction within 20 years of Plan implementation ...”

§350.2(g). The ability of DWR to evaluate a Plan “at any time” for compliance is inappropriate and inconsistent with SGMA and other provisions of the Draft Regulations that DWR will make a determination of sufficiency within two years. In order for an Agency to develop and implement a Plan, and invest significant time, money and other resources in furtherance thereof, there has to be some certainty that a Plan is adequate. It cannot be subject to arbitrary DWR evaluation of a Plan “at any time” other than in accordance with the 5 year review period provisions of SGMA and the Draft Regulations. Therefore, **§350.2(g) should be deleted.**

§350.2(i). **This new subsection should be added** to reiterate, consistent with the legislative intent of SGMA as expressed at WC §10720.1(d) and the Governor’s signing statement, that groundwater management is best accomplished at the local level and local Agencies are principally in charge of developing and implementing the SGMA and Plans developed thereunder.

Article 2. Definitions

§351(e). The definition of Baseline needs to be modified to:

- (i) reflect WC §10727.2 i.e. “The plan, may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015,” and
- (ii) reflect WC §10733.2(b)(2) i.e. in the context of surface water supplies, “baseline. . .shall include the historic average reliability and deliveries”

Therefore, **this definition should be revised** to read as follows:

(e) “Baseline” or “baseline conditions” refer to historic information used to project future conditions for hydrology, water demand, and availability of surface water (including the historic average reliability and deliveries thereof) and to evaluate potential sustainable management practices of a basin. A Plan may, but is not required to, address undesirable results that occurred before, and have not been corrected by, January 1, 2015.

§351(i). As discussed under **Local Management** above, **the definition of Coordinating Agency should be modified** as follows:

“Coordinating ~~agency~~ Entity” refers to a groundwater sustainability agency or other authorized entity that represents two or more Agencies or Plans for a basin and is the sole point of contact with the Department. A Coordinating Entity may be identified in and appointed through a coordination agreement among multiple Agencies within a basin. The Coordinating Entity shall have no authority other than to collect, disseminate and report data on behalf of the various Agencies within the basin

unless otherwise authorized in the Coordination Agreement.

Furthermore, the term “Coordinating agency” should be replaced throughout the Draft Regulations with the defined term “Coordinating Entity”.

§351(j). **The definition of Critical Parameter should be modified** to better comply with SGMA as follows:

(j) “Critical parameter” refers to chronic lowering of groundwater levels indicating a depletion of supply if continued over the planning and implementation horizon, reduction of groundwater storage, sea water intrusion, degraded water quality, land subsidence that substantially interferes with surface land uses, and depletions of surface water that have adverse impacts on beneficial uses of surface water that may lead to undesirable results, where the impacts of these effects are significant and unreasonable, as described in Water Code Section 10721(x).

§351(w). Consistent with the Coordinating Entity definition above, **the definition of “Plan manager” should be revised** as follows:

(w) “Plan manager” is an employee or authorized representative of a groundwater sustainability agency, or agencies if appointed through a coordination agreement, who has been delegated management authority for submitting the groundwater sustainability plan and serving as the point of contact between the groundwater sustainability ~~agency~~ agencies and the Department.

§351(new section). **A definition of Groundwater Recharge or Recharge should be added** to be consistent with the 2015 SGMA amendments as follows:

“Recharge” is the augmentation of groundwater, by natural or artificial means, including ‘in-lieu’ use of surface water by person(s) that could otherwise extract groundwater in order to leave groundwater in the basin.

Article 3. Technical and Reporting Standards

§352.4 Best Management Practices. WRMWSD understands best management practices to be voluntary actions and subject to the discretion of the Agency adopting or implementing them. Therefore, the following edits are recommended.

§ 352.4. Best Management Practices

(a) Each Plan shall include best management practices adopted by the Agency for management actions, data collection and analysis, and other necessary elements of the Plan. The Agency may rely on best management practices developed by the Department or shall adopt their own best management practices.

(b) Best management practices shall be reviewed by the Agency at least every five years as part of the periodic evaluation of the Plan and modified as ~~necessary~~ deemed appropriate by the Agency.

(c) If best management practices developed by the Department are modified, an Agency shall not be required to review and possibly amend the Agency’s best management practices until the next five-year review.

§352.6 Data Reporting and Standards. Water depths within WRMWSD range from 50 feet to 1000 feet

below ground surface. This section proposes that water depth measurements be accurate to 0.1 feet. This is totally unrealistic. In the field, both DWR and WRMWSO use acoustic sounders for many depth measurements, and these sounders are not accurate to this level, but produce perfectly acceptable accuracy for almost all groundwater hydraulics purposes. This accuracy is also completely pointless because groundwater depths vary with time and can change a few feet in a week during active pumping periods. Furthermore, except in very isolated cases, the purposes for which the data are used do not require 0.1 feet, or even 1 foot accuracy. Such an accuracy standard also imposes additional, but unnecessary, costs associated with higher accuracy data collection. Therefore, it should be left to the Agency to determine if accuracy in excess of a minimum standard is necessary for its own Plan rather than have DWR regulations impose an arbitrary standard. **This section should be revised** to reflect that groundwater depth measurements be accurate to 1% of the depth, and surface and ground levels be accurate to 2 feet. This is a reasonable accuracy standard, and Agencies could elect to use more accurate standards as appropriate.

To avoid exclusion of certain wells that may not have certain data available but are still valuable for monitoring and reporting purposes, **§352.6(b)(3)(D) should be revised** to read:

(D) A list of all casing perforations, borehole depth, and total well depth, to the extent available.

To the extent an Agency uses groundwater models to understand and manage a groundwater basin, such a model can demonstrate that missing well depth or completion intervals within certain wells are not required for compliance with this section. Therefore, **§352.6 (b) (4) should be revised** to read:

(4) If an Agency relies on wells that lack casing perforations, borehole depth, and total well depth information to monitor groundwater conditions as part of an initial Plan, the Agency shall describe a schedule for acquiring monitoring wells with the necessary information, demonstrate that the Agency has access to and is utilizing a groundwater model calibrated to within industry standards, or demonstrate to the Department that such information is not necessary to understand and manage groundwater in the basin.

Article 4. Procedures

§353.4 (b). This section requires all materials to be accompanied by a “penalty of law” statement from the “persons who manage the system” or those directly responsible for gathering the information. However, this requirement is not specified by SGMA. Therefore, **this section should be deleted.**

Article 5. Plan Contents

§354.8. Description of Plan Area. **Revise the last sentence of §354.8 (a) (5)** to read:

Each Agency shall utilize data available from the Department, as specified in Section 353.2, or the best available existing information.

§354.8 (g) (1) – (7). There are a number of provisions within this section which require an Agency to evaluate and even speculate on land use planning issues. While it is appropriate to identify and address existing water quality issues, these issues are more appropriately addressed through the Irrigated Lands Regulatory Program process. Furthermore, it is beyond the authority of most Agencies (except cities and

counties) to evaluate, limit and/or speculate regarding land use planning decisions. Therefore, **this subsection should be deleted.**

§354.8 (g) (8). This section requires an analysis of land use planning documents outside of an Agency's basin; in order to comply with the requirements, this requires an understanding of this outside basin. This requirement effectively forces the entire San Joaquin Valley into one Plan. This is an unreasonable requirement which would dramatically increase the effort and cost required to develop and implement a Plan within the jurisdiction of an Agency. **This unreasonable subsection should be deleted.**

§354.14(a). This section requires a Plan to include a hydrogeologic conceptual model, but SGMA has no such specific requirement. While this is valuable for some basins, it is not appropriate for all basins and must be deleted, or modified and incorporated as a guideline. The decision to include a hydrogeologic model should be left to the discretion of the Agency as local conditions will dictate the need, or lack of need, for such a model. **This section should be revised** to read as follows:

(a) Each Plan ~~shall~~ is encouraged, but not required, to include a hydrogeologic conceptual model of the basin consisting of a written description, map, and cross-sections, based on technical studies or qualified maps. The Plan shall explain the need, or lack thereof, for such model, and which of the following may be included therein: written description shall include a discussion of the following:

§354.16(b). The requirement for annual change in storage is not necessary for many basins, and would add unnecessary costs in some basins. Therefore, **this section should be revised** to read:

(b) Groundwater storage data demonstrating the ~~annual~~ periodic (as determined by the Agency) and cumulative change in storage based on seasonal high groundwater conditions, water use, and water year type.

§354.18 Water Budget. A water budget is not required by SGMA There are two issues here. (1) For some basins, a water budget is not necessary to identify and manage a basin sustainably. For example, monitoring of groundwater levels may be sufficient to identify sustainability if it is known the basin is not hydraulically connected to nearby basins. (2) It is unclear as to why any given Plan for a portion of a basin must contain a water budget for the whole basin when the actions contained within the Plan are only able to access and utilize the resources available to the Agency preparing the Plan. It seems more appropriate to eliminate the need for each Plan to have a whole basin water budget and provide that the Plan be coordinated with the other Plans within the Basin. **This section should be revised** to read as follows.

354.18 Water Budget. If the Plan is part of a larger basin, the Plan shall include a water budget, which has been coordinated with all other Plans within the basin, that provides an accounting and assessment of the total annual amount of groundwater and surface water entering and leaving the Plan area, basin, including historical, current and projected water budget conditions, and the change in the amount of water stored. Water budget information shall be reported in tabular and graphical form. If the Plan covers an entire basin, the Plan is encouraged, but not required, to include a water budget at the discretion of the Agency.

§354.18 (b) should be revised to read as follows.

If the Plan includes a water budget, the Plan shall quantify the current, historical, and projected water budget for the basin Plan area as follows:

§354.18(b)(3)(C) needs to be modified to be consistent with WC §10733.2(b)(2) baseline requirements.

§354.18 (c) should be revised to read:

The Plan shall rely on the best available information and best available science to quantify the water budget for the ~~basin~~ Plan area in order to provide an adequate understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater-surface water interaction, and subsurface groundwater flow. If a groundwater-surface water model is not used to quantify and evaluate the projected water budget conditions and the potential impacts to beneficial uses and users of water, the Plan shall identify and describe an equally effective method or tool to evaluate projected water budget conditions, or identify provisions for developing a groundwater-surface water model capable of quantifying projected water budget conditions no later than the first five-year assessment.

§354.18(c) references to climate change. Given all the uncertainty on climate change, it is not sensible for Agencies to speculate on such impacts in Plans until there is some clearly quantifiable data applicable to a Plan area that can be included in the water budgets. Therefore, **references to climate change should be qualified in this manner.**

§354.26(a)(4). Consistent with the above comments for other §354 sections, this section should be revised to read:

(4) A description of the cause of groundwater conditions that would lead to undesirable results based on information developed in the hydrogeologic conceptual model, basin conditions, water budget, ~~and~~ or other data or models as appropriate.

§354.28(a)(1). Because the use of water budgets (see comments in §354.18 above) and hydrogeologic conceptual models (see comments in §354.14(a) above) may not be appropriate for all basins as determined by the Agency, **this section should be revised accordingly** as follows.

(1) The information and criteria relied upon in establishing minimum thresholds for each critical parameter. The justification for the minimum threshold shall be supported by information from the hydrogeologic conceptual model, basin conditions, water budget, ~~and~~ or other data or models as appropriate.

§354.28(b)(1) to (b)(6). Subsections (1), (3), (4), and (6) cite the “significant and unreasonable” standard described in the first paragraph of §354.28. **Subsections (2) and (5) should be revised** to cite this same standard.

§354.28(b)(1). This section does not conform to SGMA. In order to be consistent with SGMA, **this section should be revised** to recognize the “chronic lowering” criteria is not met simply due to lowered groundwater levels during a drought, but instead is based on a longer term hydrologic cycle determination.

§354.28 (b)(1)(C). Because there are other tools which may be used to address chronic lowering e.g. (market mechanisms, surface water augmentation, etc.), it is inappropriate to require the minimum threshold be supported by “management of extractions and recharge”. **This subsection should be revised** as follows.

(C) Other measures as determined by the Agency which could include market incentives, surface water augmentation, or management of extractions and recharge to ensure that chronic lowering of groundwater levels or depletion of supply during periods of drought is offset by increases in groundwater levels or storage

during other periods.

§354.28(d) and (e). These sections assert the standard for administrative determinations shall be “*clear and convincing evidence*”. This standard is not provided by SGMA, is a high standard which will invite litigation against Plans, and is not typical for administrative proceedings. **The cited standard should be replaced by “substantial evidence.”**

§354.30. The first paragraph of this section is ambiguous as to when sustainability must be achieved. **This paragraph should be revised** as follows.

The measurable objectives shall ensure that the basin is managed to avoid undesirable results no later than the end of the ~~within~~ 20 years of Plan implementation and groundwater is sustainably managed over the planning and implementation horizon.

§354.34(h)(2). Consistent with the comment for §354.16(b) above, **this subsection should be revised** as follows.

(2) Groundwater Storage. The monitoring network shall be capable of providing sufficient data to enable a reasonably accurate and detailed assessment of the change in ~~annual~~ periodic groundwater storage.

§354.40. This section requires the reporting of “...all monitoring data...” to DWR. This means that all well owners, including de minimus domestic well owners, would have their names, well locations, well depths, flow rates and total usage reported to DWR as public records. This is a gross invasion of privacy more suited to a police state than a representative democracy, and inconsistent with other legal requirements of Agencies to protect the privacy of data (e.g. under the Public Records Act). Such invasive data reporting is not necessary to accomplish the purposes of SGMA. Therefore, **this section should be revised** to provide for submission of “...representative monitoring data...” to DWR.

Article 6. Evaluation and Assessment

§355.2(e) Department Review of Initial Adopted Plan. This section provides DWR two years to evaluate a Plan. During this two year period each Agency will likely be taking numerous actions to implement the Plan. **It would be helpful for DWR to have a basic review that would provide for a six month or one-year “conditional approval” of the Plan** in order to begin implementation of certain actions, such as investment in water management programs, assessment of fees or potential pumping curtailments.

Furthermore, if DWR notifies an Agency of substantial noncompliance, there needs to be a reasonable notice and an opportunity to cure. The period to cure should be extended for as long as necessary (possibly exceeding the 180 days stated in 355.2(f)(2)) so long the Agency is working diligently on problem resolution and the relevant parties are not materially and adversely impacted by the extension. **This section should be revised** to reflect these comments and allow the Agency a reasonable period for cure prior to referral to the State Water Resources Control Board.

§355.4 Criteria for Plan Evaluation. Several provisions within this section require an Agency’s Plan to manage at the basin level without any legislative requirement or authority to do so. **The subsections noted below should be revised** as follows.

§355.4 (a)(3). *The Plan covers the entire basin Plan area and is coordinated with all other Plans within the basin.*

§355.4 (b). *The Department shall evaluate a Plan that satisfies the requirements of Subsection (a) to determine whether the Plan is likely to achieve the sustainability goal for the basin Plan area. ...*

§355.4 (b)(6). *Whether the Plan will adversely affect the ability of an adjacent basin Plan(s) to implement their groundwater sustainability Plan(s) or impede achievement of sustainability goals within the basin or in an adjacent basin.*

§355.4 (a). **This section should be revised** to utilize the same standard of compliance as provided in §355.4(b)(1), i.e. “substantial compliance”, as follows.

(a) An initial Plan will be deemed inadequate unless it ~~satisfies~~ substantially complies with all of the following conditions: ...

§355.10 Resolution of Conflicts by Department. This section implies that the “Coordinating Entity” is responsible for conflict resolution within a basin. The concept of a single entity acting as an arbiter of disputes within a basin is inconsistent with SGMA and there is no legal authority or mandate to form such an entity. In addition certain disputes may fall within the authority of other state or local entities such as the Superior Court and State Water Resources Control Board. Therefore, **§355.10 (a) should be revised** to read:

(a) Disputes within a basin shall be the responsibility of the Coordinating Agency, identified and appointed through a basin coordination agreement, or other state or local entities responsible for managing Plans and alternatives within that basin.

§356.2 to 356.6 Annual Reports. WC §10728 provides as follows.

10728. On the April 1 following the adoption of a groundwater sustainability plan and annually thereafter, a groundwater sustainability agency shall submit a report to the department containing the following information about the basin managed in the groundwater sustainability plan:

- (a) Groundwater elevation data.*
- (b) Annual aggregated data identifying groundwater extraction for the preceding water year.*
- (c) Surface water supply used for or available for use for groundwater recharge or in-lieu use.*
- (d) Total water use.*
- (e) Change in groundwater storage.*

§356.2 to 356.6 stack significant additional costly requirements for annual reports not required by the Water Code. Such additional requirements will significantly increase the costs for reporting, and in many basins will not provide any significant benefit toward achieving the Plan goals over a less frequent interval e.g. two or five years. The five year requirements in §356.8 et seq are the standards for determining progress toward the sustainability goals, and the more frequent and additional data should not be required. The WC contains no requirement for DWR rule on the merits of annual reports, and DWR should not do so. Furthermore, the reference to “basin” in these sections again confuses the distinction between a basin and Plan Areas of an Agency which comprise a portion of a basin.

Therefore, **these sections require revisions** to (a) reduce the reporting requirement to the minimum specified in the WC, (b) delete §356.6 in its entirety, and (c) reflect the distinction between a basin and

Plan areas described in other comments herein.

Article 8 – Coordination Agreements

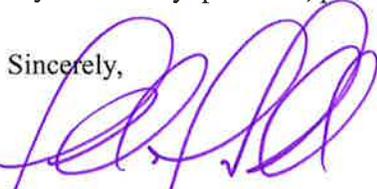
WRMWSD agrees that coordination agreements between Agencies in different basins (Interbasin) shall be voluntary and coordination agreements between Agencies in the same basin (Intrabasin) are mandatory. The inclusion of “*Submitting Agency*”, an undefined term, seems inconsistent with SGMA and fails to acknowledge the authority of each Agency to prepare, administer, implement and report on their respective Plans. Given the lack of authority to mandate a Coordinating Agency and/or Submitting Agency, **all instances of the word “Submitting” should be replaced with the word “Coordinating” Agency wherever found in Article 8.**

CONCLUSION

Thank you for your consideration of these comments. WRMWSD urges DWR to improve the Draft Regulations through incorporation of the comments made herein. WRMWSD looks forward to working with DWR and the Kern Groundwater Authority to refine this Draft Regulation as necessary so that it may serve as a workable and effective tool for local agencies to sustainably manage their groundwater in accordance with SGMA.

If you have any questions, please contact me at rkunde@wrmwsd.com or 661-858-2281 x21.

Sincerely,



for Robert J. Kunde, P.E.
Engineer-Manager